



A RESOLUTION BY COUNCILMEMBER CLAIR MULLER

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED SEVENTY EIGHT DOLLARS AND 00/100 (\$17,978.00) AS A PENALTY FOR TWO ALLEGED VIOLATION OF THE GEORGIA WATER QUALITY CONTROL ACT RESULTING FROM UNPERMITTED DISCHARGES OF RAW SEWAGE TO THE WATERS OF THE STATE ON AUGUST 6, 2002 AND AUGUST 13, 2002; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on August 6, 2002 the City experienced a violation of unpermitted discharge of approximately 1,980 gallons of raw sewage to the waters of the State (Sugar Creek) at 1587 New Street as set out in Exhibit "A" hereto; and

WHEREAS, on August 13, 2002 the City experienced a violation of unpermitted discharge of approximately 600 gallons of raw sewage to the waters of the State (Sugar Creek) at 1587 New Street due to a by-pass pump malfunction as set out in Exhibit "A" hereto; and

WHEREAS, the EPD Compliance Order requires payment by the City of Atlanta of \$17,978; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of unpermitted discharge did occur; and

WHEREAS, the payment to EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01 529017 Q31001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed penalty and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventeen Thousand Nine Hundred Seventy Eight Dollars and 00/100 (\$17,978.00) payable to the **State of Georgia** for penalties imposed pursuant to the Expedited Enforcement Compliance Order at the discretion of the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the said payments be chargeable to Account Number 2J01 529017 Q31001.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 19, 2003
MAY 27, 2003



EXHIBIT A

The City is subject to stipulated penalties for an Expedited Enforcement Compliance Order as follows:

Unpermitted Discharge and Non-Compliance with the NPDES Permit

Date	Facility	Spill/gallons	Penalty	Comment
08/06/02	Sugar Creek	1,980	\$8,989	
08/13/02	Sugar Creek	600	\$8,989	

RCS# 4717
5/19/03
2:39 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14 Except:03-O-0456; 03-R-0598
03-R-0703; 03-R-0773; 03-R-0788
Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

5/19/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

- | | |
|---------------|---------------|
| 1. 03-O-0601 | 36. 03-R-0726 |
| 2. 03-O-0551 | 37. 03-R-0727 |
| 3. 03-O-0552 | 38. 03-R-0728 |
| 4. 03-O-0600 | 39. 03-R-0729 |
| 5. 03-O-0554 | 40. 03-R-0730 |
| 6. 03-O-0617 | 41. 03-R-0731 |
| 7. 03-O-0632 | |
| 8. 03-O-0633 | |
| 9. 03-O-0660 | |
| 10. 03-O-0772 | |
| 11. 03-O-0628 | |
| 12. 03-O-0759 | |
| 13. 03-R-0655 | |
| 14. 03-R-0700 | |
| 15. 03-R-0701 | |
| 16. 03-R-0704 | |
| 17. 03-R-0784 | |
| 18. 03-R-0785 | |
| 19. 03-R-0707 | |
| 20. 03-R-0708 | |
| 21. 03-R-0709 | |
| 22. 03-R-0718 | |
| 23. 03-R-0782 | |
| 24. 03-R-0713 | |
| 25. 03-R-0714 | |
| 26. 03-R-0716 | |
| 27. 03-R-0760 | |
| 28. 03-R-0768 | |
| 29. 03-R-0774 | |
| 30. 03-R-0776 | |
| 31. 03-R-0779 | |
| 32. 03-R-0722 | |
| 33. 03-R-0723 | |
| 34. 03-R-0724 | |
| 35. 03-R-0725 | |

**Items Adversed on the
Consent Agenda**

- | |
|---------------|
| 42. 03-R-0732 |
| 43. 03-R-0733 |
| 44. 03-R-0734 |
| 45. 03-R-0735 |
| 46. 03-R-0736 |
| 47. 03-R-0737 |
| 48. 03-R-0738 |
| 49. 03-R-0739 |
| 50. 03-R-0740 |
| 51. 03-R-0741 |
| 52. 03-R-0742 |
| 53. 03-R-0743 |
| 54. 03-R-0744 |
| 55. 03-R-0745 |
| 56. 03-R-0746 |
| 57. 03-R-0747 |
| 58. 03-R-0748 |
| 59. 03-R-0749 |
| 60. 03-R-0750 |
| 61. 03-R-0783 |

Consent I Vote: 13 Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788

03-R-0655

(Do Not Write Above This Line)

A RESOLUTION BY

COUNCILMEMBER CLAIR MULLER

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION (EPA) OF THE STATE OF GEORGIA (EPD) PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 19 2003

COUNCIL

SUBSTITUTE

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 4/21/03

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Members
Held 5/1/03

Refer To

Refer To

Committee 4/21/03

Date 5/20/03

Chair
Clair Muller

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members
Clair Muller
Held 5/1/03

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAY 19 2003

MAYOR'S ACTION

MAY 19 2003

MAYOR'S ACTION

MAYOR'S ACTION

MAY 27 2003

MAYOR'S ACTION